IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.Rev.Pet.No. 469 of 1999()

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CRA.15/1996 of SESSIONS COURT, THRISSUR
CC.99/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR

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REVN. PETITIONER:
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JOSE, S/O0.VAREED,
CHUNKATH HOUSE,
MANNAMPETTA DESOM,
AMBALLUR,
THRISSUR DISTRICT.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:
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STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.No.2031/1999 in CRL.R.P.NO.469/1999

CLOSED

K.R.UDAYABHANU, JUDGE

25/06/2007.

\\TRUE COPY//

**K.R.UDAYABHANU, J.**

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Crl.R.P.No.469 of 1999

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Dated this the 25th day of June, 2007

**O R D E R**

The petitioner stands convicted for the offence punishable under Section 379 of the Indian Penal Code. Prosecution case is that on 23/12/1994, at 12.30 p.m., the accused was caught while pick pocketing the de facto complainant of a purse containing Rs.300/-, while the de facto complainant was alighting from KLH.7081 bus. Evidence adduced consisted of the testimony of PWs.1 to 7, Exts.P1 to P4 and MOs.1 to 3.

2. Counsel for the revision petitioner has only sought for leniency with respect to the sentence imposed pointing out that the incident had taken place in the year 1994 and more than 12 years have elapsed since commencement of the proceedings and that so far the revision petitioner/accused has been facing the criminal proceedings and living under the spectre of impending imprisonment and that he has no antecedents of crimes. It is

also pointed out that the offence under Section 379 Indian Penal Code is punishable with imprisonment or fine.

In the circumstances, considering the fact that more than a decade have elapsed since the commencement of the proceedings, the sentence is modified to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for six months.

Criminal Revision Petition is disposed of as above.

**K.R.UDAYABHANU,**
**Judge**

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**K.R.UDAYABHANU, J.**

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Crl.R.P.No.469 of 1999

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**O R D E R**

25th June, 2007